

**§ 1620.70 Scope.**

This subpart applies to any bankruptcy judge or magistrate who has chosen to receive an annuity under 28 U.S.C. 377 or section 2(c) of the Retirement and Survivors' Annuities for Bankruptcy Judges and Magistrates Act of 1988, Public Law 100-659. Such a bankruptcy judge or magistrate may participate in the Plan only as allowed in the following regulations. A bankruptcy judge or magistrate who is not covered by 28 U.S.C. 377 or section 2(c) of the Act may participate in the Plan as allowed under either 5 U.S.C. 8351, if a CSRS employee, or 5 U.S.C. 8430-8440, 8471-8479, if a FERS employee.

**§ 1620.71 Definitions.**

As used in this subpart, these terms have the following meanings:

*Account balance* means the total amount of money in an individual account;

*Act* means the Retirement and Survivors' Annuities for Bankruptcy Judges and Magistrates Act of 1988, Public Law 100-659;

*Bankruptcy judge* or *judge* means an individual described in 28 U.S.C. 377(h)(1), as added by the Act;

*C Fund* means the Common Stock Index Investment Fund established under 5 U.S.C. 8438(b)(1)(C);

*CSRS* means the Civil Service Retirement System established by subchapter III of chapter 83 of title 5, U.S.C., and any equivalent Government retirement plan;

*CSRS employee* means any employee covered by CSRS or any equivalent Government retirement plan;

*Employee contributions* means any contributions made under 5 U.S.C. 8432(a) or 5 U.S.C. 8351(a);

*Employer contributions* means Government basic contributions and Government matching contributions;

*FERS* means the Federal Employees' Retirement System established by chapter 84 of title 5, U.S.C., and any equivalent Government retirement plan;

*FERS employee* means any employee covered by FERS or any equivalent Government retirement plan;

*F Fund* means the Fixed Income Investment Fund established under 5 U.S.C. 8438(b)(1)(B);

*G Fund* means the Government Securities Investment Fund established under 5 U.S.C. 8438(b)(1)(A);

*Government basic contributions* means any contributions made under 5 U.S.C. 8432(c)(1) or 5 U.S.C. 8432(c)(3);

*Government matching contributions* means any contributions made under 5 U.S.C. 8432(c)(2);

*Investment Fund* means the G Fund, the F Fund, or the C Fund;

*Judges' annuity* means an annuity under 28 U.S.C. 377 or section 2(c) of the Retirement and Survivors' Annuities for Bankruptcy Judges and Magistrates Act of 1988, Public Law 100-659;

*Magistrate* means an individual appointed pursuant to 28 U.S.C. 631;

*Participant* means any person with an individual account in the Thrift Savings Fund;

*Recordkeeper* means the organization designated by the Board as the Plan's recordkeeper;

*Thrift Savings Fund* or *Fund* means the Fund described in 5 U.S.C. 8437;

*Thrift Savings Plan* or *Plan* means the Federal Retirement Thrift Savings Plan established by the Federal Employees' Retirement System Act of 1986, codified in pertinent part at 5 U.S.C. 8431-8440, 8471-8479.

**§ 1620.72 Plan contributions after choosing judges' annuity.**

(a) A judge or magistrate who has chosen to receive a judges' annuity is entitled to contribute to the Plan. Except as otherwise provided in this subpart, these judges and magistrates are covered by the same rules and regulations as apply to CSRS participants in the Plan.

(b)(1) Judges and magistrates who have chosen to receive a judges' annuity may elect to contribute up to 5 percent of their basic pay per period to the Plan. Basic pay has the same meaning as under 5 U.S.C. 8331(3). Amounts received under a judges' annuity are not basic pay, and no Plan contributions may be made from those annuity payments.

(2) Retirement under 28 U.S.C. 377, including removal from office under section 377(d) on the ground of mental or physical disability, is a separation from service.